

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4334 of 2004

Between:

M.Premavathi, W/o. M.S.Reddy,
R/o.18/A & B, 2nd Choultry Road (Link Road), Tirupathi.

..... PETITIONER

AND

1. The South Central Railway, rep. by its General Manager, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager, (Works), South Central Railway, Tirupathi.
3. Tirupathi Urban Development Authority rep. by its Vice Chairman.

R3 is impleaded as per Court Order dated 21.6.2004 in W.P. No.4334 of 2004.

4. The Commissioner, Tirupathi Municipality, Tirupathi, Chittoor District.

(R4 impleaded as per Court Order dated 8.9.2004 in WPMP No. 19388 of 2004)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction, more particularly a writ in the nature of Mandamus, declaring the action of the respondents in trying to close down the road which is being used by the petitioner and the local residents for their ingress and

egress without giving any notice or following the due process of law as being illegal, arbitrary, violative of Articles 21, and 300-A of the Constitution of India and consequently direct the respondents not to close the road which is on the northern side of the house of the petitioner.

Counsel for the Petitioner:MR.C.A.RSESHAGIRI RAO

Counsel for the Respondent Nos.1 and 2: MR.S.S.VARMA (Standing Counsel for Railways)

Counsel for the Respondent No.3: Mr. K. Bathireddy

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

In Writ Petition No. 4889 of 2004, the respondents, South Central Railway and the Divisional Railway Manager (Works), South Central Railway, Secunderabad had filed affidavit in reply stating that no hindrance will be caused for free ingress and egress to the petitioner's property therein. The said writ petition was accordingly disposed of. Petitioner in the said writ petition had his business premises in D.R. Mahal Road, Tirupathi. It was situated to the West of the Second Choultry Road abutting the same. Petitioner's case is that D.R. Mahal Road was the only source of ingress and egress and the Railway had made plans to construct railway under bridge and was trying to deprive the other facilities. Affidavit in reply was filed by the respondents stating that it was not being done and thus the writ petition was closed pursuant to the said reply.

In this case also, the grievance of the petitioner is about the link road connecting Tirupathi-Tiruchanur existing on the Eastern side and D.R. Mahal Road on the Western side. In view of the undertaking given by the Railways that they will not close down the road, this writ petition also stands disposed of like the earlier one. No costs.

DEVINDER GUPTA, CJ

Date: 8th September, 2004

C.V.RAMULU,J

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To

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager, (Works), South Central Railway, Tirupathi.
3. The Vice Chairman, Tirupathi Urban Development Authority, Tirupathi.
4. The Commissioner, Tirupathi Municipality, Tirupathi, Chittoor District.
5. Two C.D. copies